

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**BERRY MORROW
ADC #143825**

PLAINTIFF

V.

CASE NO. 5:14-CV-00061 BSM/BD

MARVIN HUGHEY, et al.

DEFENDANTS

INITIAL ORDER FOR PRO SE PRISONER-PLAINTIFFS

You have filed this federal civil rights lawsuit pro se, that is, without the help of a lawyer. There are rules and procedures that you must follow in order to proceed with your lawsuit, even though you are not a lawyer.

First: Follow All Court Rules. You must comply with the Federal Rules of Civil Procedure as well as Local Rules for the Eastern District of Arkansas. Copies of rules can be found in the prison library.

In particular, Local Rule 5.5(c)(2) explains requirements for plaintiffs, like you, who are not represented by a lawyer:

1. You must promptly notify the Clerk and the other parties in the case of any change in address. You must inform the court if you are transferred from one unit to another. Notifying the court of your change in address is especially important if you are released from custody while your lawsuit is pending. If you do not keep the court informed as to your current address, your lawsuit can be dismissed.
2. You must monitor the progress of your case and prosecute the case diligently.
3. You must sign all pleadings and other papers filed with the court, and each paper you file must include your current address.
4. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed, without prejudice.

Second: Pay the Filing Fee. Every civil case filed by a prisoner – including this one – requires the plaintiff to pay a filing fee. A \$400 filing fee must be paid at the beginning of the lawsuit unless the plaintiff cannot afford to pay the entire fee at once. If you cannot afford to pay the filing fee in a lump sum, you may file an application to proceed *in forma pauperis* (“IFP”). If you are granted IFP status, the filing fee is \$350.

Although you have filed a complaint, you have neither paid the filing fee nor filed a completed application to proceed IFP. You must do one or the other within 30 days of this order. Enclosed you will find an IFP application, along with a calculation sheet that must be filled out and signed by the custodian of the prison where you are currently being held. If you are granted IFP status, withdrawals will be made from your prison account each month until the \$350.00 is fully paid, even if the lawsuit is dismissed before trial.

Third: No Right to Appointed Counsel. This is a civil case. Unlike criminal cases, there is no right to have an appointed lawyer in a civil case. If your case proceeds to a jury trial, however, a lawyer will be appointed to assist you before trial.

Fourth: Do Not File Your Discovery Requests. Discovery requests, such as interrogatories and requests for documents, are not to be filed with the court. Instead, discovery requests should be sent to counsel for the defendant (or directly to the defendant if he or she is not represented by a lawyer). No discovery should be sent to a defendant until after that defendant has been served with the complaint.

Fifth: Do Not Send Documents to Court Except in Two Situations. You may send documents or other evidence to the Court only if attached to a motion for summary judgment or in response to a motion for summary judgment; or if the court orders you to send documents or other evidence.

Sixth: Provide a Witness List. If your case is set for trial, as your trial date approaches, you will be asked to provide a witness list. After reviewing the witness list, the Court will subpoena necessary witnesses.

In his complaint, Mr. Morrow states that the ADC officials have refused to complete his IFP application. Accordingly, the Clerk of the Court is directed to send a

copy of this Order to the Warden of the Maximum Security Unit, 2501 State Farm Road, Tucker, Arkansas 72168. If ADC officials do not assist Mr. Morrow with his IFP application, he should notify the Court so that the Court can resolve this preliminary issue.

IT IS SO ORDERED, this 21st day of February, 2014.



UNITED STATES MAGISTRATE JUDGE